

IN THE
**United States District Court for the
Eastern District of North Carolina**

Southern Division

ANDREW U. D. STRAW,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

)
)
)
)
)
)
)
)

Case#: 7:23-cv-00162-BO-BM

Hon. Terrence Boyle

Judge Presiding

Hon. Brian Meyers

Magistrate Judge

JURY TRIAL DEMANDED

FILED
SEP 22 2023
PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY EC DEP CLK

NOTICE OF ATTEMPT TO MITIGATE DAMAGE

I, *plaintiff-appellant*, Andrew U. D. Straw, hereby NOTIFY the Court regarding my efforts to obtain health care coverage and mitigate the damage done by the USN and USMC to me when I was *in utero* and an infant for 583 days, 1968-1970, while my father was stationed at MCAS New River (Camp LeJeune):

FACTS

1. As the Court knows by now, I was born at Camp LeJeune and the Naval Hospital appears on my birth certificate as my place of birth, 3/19/1969, and I have much evidence of this in my USN Medical Record File that I obtained from the National Archives with the help of a Member of Congress.
2. Those records already showed that I have a **cardiac birth defect (VSD)** present at my birth after 3 months of Camp LeJeune *in utero* exposure.
3. I asked for cancer/health screening, but DOJ has argued against it. **Dkt. 16.**

4. This while the government admits that PCE was in the water. **Dkt. 17.**
5. I don't want to die from being unable to detect a cancer or other very serious illness developing in my body as a result of the USN and USMC poisoning me *in utero* and as an infant.
6. I would like to see my children again and live long enough to do that.
7. I asked for ***all records*** pertaining to my family and me and our ID numbers and my mother's USMC Privilege Card (**N7,051,397**) with a FOIA Request noted in the online FOIA system on 8/15/2023.
8. I am now appealing because the Camp LeJeune officer only would do a search on my father's name and nothing else and limited his search to housing records. But that is only a tiny fraction of what I asked.
9. I would not even have to show residence if the Navy would provide the **ORDERs showing where Marines with pregnant spouses were to be housed in 1968**, at the height of the Vietnam War. I asked for those records and records from ANY database of records, but was denied.
10. How can I mitigate the damage (**Dkt. 17, page 29, 13th Affirmative Defense**) if the government prevents me from being screened with Camp LeJeune Family Member Program coverage and **diagnosed with the conditions I actually have**? I can't. The GOVERNMENT is refusing to help mitigate.
11. This is dishonesty and the Court should know about it because this is all fraudulent, denying me what I ask so I cannot get the treatment Congress said people like me deserve. 38 U.S.C. § 1787. An injunction is overdue.

12. I don't know where my parents lived for that first 3 months. All I have is an off-base residence address in Jacksonville on my birth certificate, but that is *3 months after* my parents were assigned to Camp LeJeune with me *in utero*.
13. I should have absolute, expedited service in finding these full records, but am being bled to death through a million bureaucratic cuts.

WHEREFORE, I ask the Court to take NOTICE that the government is resisting me having the mitigating health care and screenings I need through bureaucratic refusals, injustice, and law and ethics violations. FOIA#: DON-USMC-2023-014921

I, Andrew U. D. Straw, verify that the above statements are true and correct on penalty of perjury.

Respectfully submitted this 16th Day of September, 2023.

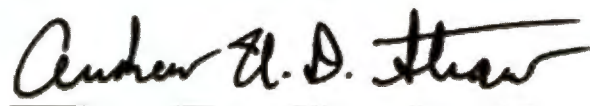


Andrew U. D. Straw, *Proceeding Pro Se*
Telephone: (847) 807-5237 Email: andrew@andrewstraw.com
712 H ST NE PMB 92403, Washington, D.C. 20002

CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that on **September 16, 2023**, I sent this **NOTICE** to the Clerk of Court via U.S. Mail. CM/ECF will serve these documents to defendant's counsel upon scanning by the Clerk into PDF format and assigning a docket number.

Respectfully submitted,



s/ ANDREW U. D. STRAW
712 H ST NE, PMB 92403, Washington, D.C. 20002
Telephone: (847) 807-5237 andrew@andrewstraw.com